

Decision _____

Application of the Los Angeles World Airports for an Order authorizing Construction of a grade separated structure for commuter rail tracks over the following crossings: Sepulveda Boulevard, Century Boulevard, 98th Street, 96th Street, Airport Boulevard and Aviation Boulevard.

Application 19-01-004

DECISION GRANTING AUTHORIZATION TO THE LOS ANGELES WORLD AIRPORTS TO CONSTRUCT A GRADE SEPARATED STRUCTURE FOR COMMUTER RAIL TRACKS OVER THE FOLLOWING CROSSINGS: SEPULVEDA BOULEVARD, CENTURY BOULEVARD, 98TH STREET, 96TH STREET, AIRPORT BOULEVARD, METRO CRENSHAW/LAX LINE, AND AVIATION BOULEVARD, IN LOS ANGELES COUNTY, CALIFORNIA

Summary

Pursuant to Public Utilities Code §§ 1201- 1205, we grant the Los Angeles World Airports the authority to construct overhead grade separated structure for commuter rail tracks (Automated People Mover) over the following crossings: Sepulveda Boulevard, Century Boulevard, 98th Street, 96th Street, Airport Boulevard, Metro Crenshaw/LAX, and Aviation Boulevard, in Los Angeles County, California. The crossings will be identified as California Public Utilities Commission Crossing Numbers 140-0.70-B, 140-0.98-B, 140-1.11-B, 140-1.21-B, 140-1.55-B, 140-1.97-BT, 140-2.02-B. This proceeding is closed.

1. Procedural Background

Pursuant to Public Utilities (Pub. Util.) Code §§ 1201-1205 and in accordance with Rules 3.7 and 3.11 of the Commission's Rules of Practice and

Procedure (Rule), and General Orders (GO) 26-D, 143-B, and 164-D, on January 8, 2019, the Los Angeles World Airports (LAWA or Applicant) filed Application (A.)19-01-004 (Application) for authority to construct two Automated People Mover (APM) only tracks at seven overhead grade separated locations: Sepulveda Boulevard, Century Boulevard, 98th Street, 96th Street, Airport Boulevard, Metro Crenshaw/LAX, and Aviation Boulevard, in Los Angeles County, California. The APM system will extend east from the LAX Tom Bradley International Terminal in the Central Terminal Area (CTA), crossing over several LAWA, City of Los Angeles, and Caltrans roadways, and will terminate at a Consolidated Rental Car Facility (ConRAC) located East of Aviation Boulevard. CTA stations will extend to airport terminals via pedestrian walkways which will allow passengers access to all airport terminals. Additionally, the APM will connect to a Maintenance and Storage Facility (MSF) which will service APM trains.

On February 5, 2019, the California Public Utilities Commission's (Commission) Safety and Enforcement Division, Rail Crossings and Engineering Branch (SED) provided a response to the Application.

A telephonic prehearing conference (PHC) was held on March 7, 2019, where the Applicant, SED, and the Administrative Law Judge (ALJ) discussed the issues presented by the Application, the schedule and other relevant procedural matters.

A Scoping Memo was issued on April 5, 2019. All assigned Commissioner and ALJ rulings are affirmed herein.

The Commission has jurisdiction over this Application pursuant to Pub. Util. Code §§ 1201 to 1205.

2. Compliance with the California Environmental Quality Act (CEQA)

The construction of the commuter rail tracks over the six roads and one rail line as part of the LAX Automated People Mover, which is a subpart of the LAX Landside Access Program, constitutes a project under the CEQA of 1970 (as amended, Public Resources Code secs. 21000, et seq.). CEQA applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential significant environmental effects.

Under CEQA, the lead agency is either the public agency that carries out the project or the one with the greatest responsibility for supervising or approving the project as a whole. The Los Angeles World Airports (LAWA) is the project proponent. Since the project includes rail crossings the Commission is also a responsible agency under CEQA.

The LAWA prepared a Draft Environmental Impact Report (DEIR), dated September 2016, which was released for public comment. Public comments were addressed, and the document released as a Final Environmental Impact Report (FEIR) on February 15, 2017. This was certified on June 7, 2017. (State Clearing House Number: 2015021014).

As a responsible agency the Commission must consider the environmental effects identified in the FEIR relating to the portion of the project that is before the Commission for approval. The Commission has the authority to mitigate or avoid only the direct and indirect environmental effects of those parts of the project which it is called on to carry out or approve. The Commission must adopt any mitigation measures within the Commissions' jurisdiction that avoid or mitigate the part of the project that Commission approves, unless the changes

or alterations are infeasible for specific, economic, legal social, technical and other benefits. The Commission must file a Notice of Determination (NOD) with the State Clearing House certifying that the Commission has considered the environmental document.

The environmental document prepared for this project, the FEIR, considered numerous categories of possible impacts. These included but are not limited to: aesthetics, air quality and human health, biological resources, cultural resources, greenhouse gas emissions, hazardous and hazardous materials, hydrology and water quality, land use and planning, noise and vibration, population and housing, public services, transportation/traffic, and utility service systems.

Cumulative impacts were also studied. An extensive set of mitigations and a mitigation monitoring program were developed to lessen these impacts caused by the project with the goal of keeping all impacts below the level of significance. When an impact was found to exceed the accepted level of significance a mitigation measure was designed to eliminate the impact or to keep the impact below the level of significance. The FEIR indicates that there were certain impacts that could not be kept below the level of significance even with mitigations and therefore were considered significant. Some of these impacts would only be temporary during the period of project construction. Others would have long term consequences. These categories of impacts that would be considered significant even with the application of mitigations included: aesthetics, air quality, cultural resources, greenhouse gas emissions, hazards and hazardous materials, population and housing, and public services.

However, none of these significant impacts were identified as specifically pertaining to the overcrossings of the passenger rail project that is the subject of this application, and the project would have the beneficial impact of improving transportation about the airport.

The Commission reviewed and considered the FEIR as this document related to the proposed rail crossings. The Commission adopts the mitigation measures detailed in the environmental impact report that apply to the entire project. We find that the FEIR, along with the mitigations and monitoring program adopted for the project which includes rail crossings are adequate for our decision making purposes. The Commission's Energy Division will file an NOD with the CEQA State Clearing House stating the Commission considered the environmental documents related to the proposed rail crossings.

3. Filing, Safety and Engineering Requirements

Applications for the construction of overhead grade separated structures for commuter rail tracks must meet the requirements of Rules 3.7 and 3.11, as well as the requirements of GO 26-D, 143-B, and 164-D.

SED conducted a site visit of the proposed crossing locations on November 28, 2018 and found no safety or other issues. SED has also completed the review of A.19-01-004 and concluded that the application complies with all the requirements of the Commission's Rules as well as all applicable requirements of the Commission's GO 26-D, 143-B, and 164-D.

Therefore, the Commission finds LAWA's Application provides sufficient documentation to satisfy the Commission requirements listed above, for the

seven proposed overhead grade separated structures,¹ as detailed in Appendix A to this decision.

4. Timeline of Authority to Construct

LAWA did not request a specific authorization time period in which to complete the APM project. SED typically recommends a 3-year authorization time period. However, SED does not object to a longer authorization time period, if so requested by LAWA, due to the extensive work required to complete the APM Project.

The Commission typically authorizes a three-year construction period for projects such as the one requested herein,² and Applicant may request a one-year extension of the three-year authorization granted herein, if more time is necessary to construct the overpass.³

The Commission therefore finds SED's proposal reasonable and approves SED's proposal to authorize the construction of the overhead structures for three years from the date of this Decision.

5. Conclusion

We conclude that the Application conforms to our rules for granting authority to construct overhead grade-separation structures. Accordingly, we grant LAWA the authority to construct two APM only tracks at seven grade separated locations: Sepulveda Boulevard, Century Boulevard, 98th Street, 96th Street, Airport Boulevard, Metro Crenshaw/LAX, and Aviation Boulevard, in

¹ Sepulveda Boulevard, Century Boulevard, 98th Street, 96th Street, Airport Boulevard, Metro Crenshaw/LAX, and Aviation Boulevard.

² See Decisions (D.) 18-10-041 at 6 and 9, and D.18-10-037 at 7 and 11.

³ Such request must be submitted to the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Safety Enforcement Division at least 30 days before the expiration of that period. A copy of the extension request must also be sent to all interested parties.

Los Angeles County, California, subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

6. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Pub. Util. Code and Rule 14.6(b), the otherwise applicable 30-day period for public review and comment is waived.

7. Assignment of Proceeding

Martha Guzman Aceves is the assigned Commissioner and Gerald F. Kelly is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The proposed railroad crossings meet the requirements of Rules 3.7 and 3.11.
2. The proposed railroad crossings meet GO's 26-D, 143-B, and 164-D requirements.
3. The FEIR, along with the mitigations and monitoring program adopted for the project, which includes rail crossings, are adequate for our decision making purposes.
4. SED proposes a three-year authorization to construct the proposed overpass.

Conclusions of Law

1. The Commission reviewed and considered the environmental compliance documents submitted by the Applicant.
2. The Commission's Energy division should file an NOD with the CEQA State Clearing House stating the Commission considered the environmental documents related to the proposed rail crossings.

3. SED's proposal for Commission authorization to construct the seven APM overhead grade separated crossings within three years is reasonable.
4. The application should be granted.

O R D E R

IT IS ORDERED that:

1. The Los Angeles World Airports is authorized to construct overhead grade separated structure for commuter rail tracks (Automated People Mover) over the following crossings: Sepulveda Boulevard, Century Boulevard, 98th Street, 96th Street, Airport Boulevard, Metro Crenshaw/LAX, and Aviation Boulevard, in Los Angeles County, California.
2. The crossings shall have the configurations described and specified in the application and its attachments. The crossings shall be identified by the following California Public Utilities Commission Crossing Numbers:

	Crossing Name	CPUC No.	Crossing Type
1	Sepulveda Boulevard	140-0.70-B	Track Over Roadway
2	Century Boulevard	140-0.98-B	Track Over Roadway
3	98 th Street	140-1.11-B	Track Over Roadway
4	96 th Street	140-1.21-B	Track Over Roadway
5	Airport Boulevard	140-1.55-B	Track Over Roadway
6	Metro Crenshaw/LAX Line	140-1.97-BT	Track over Track
7	Aviation Boulevard	140-2.02-B	Track Over Roadway

3. The Los Angeles World Airports shall comply with all applicable rules, including California Public Utilities Commission General Orders, California Manual on Uniform Traffic Control Devices, and the Americans with Disabilities Act.

4. The Los Angeles World Airports shall notify the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Safety Enforcement Division at least 30 days prior to the opening of the crossings. Notification should be made by e-mail to rceb@cpuc.ca.gov.

5. Within 30 days after completion of the work authorized by this decision, the Los Angeles World Airports shall notify the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Safety Enforcement Division by submitting a completed California Public Utilities Commission Standard Form G (Report of Changes at Highway Grade Crossing and Separations), for the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site. The completed report must be submitted via email to rceb@cpuc.ca.gov.

6. This authorization shall expire if not exercised within three years of the issuance of this decision unless time is extended or if the above conditions are not satisfied. Authorization may be revoked or modified if public convenience, necessity or safety so require.

7. A request for extension of the three-year authorization must be submitted to the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Safety Enforcement Division at least 30 days before the expiration of that period. A copy of the extension request shall be sent to all interested parties.

8. The Commission's Energy Division will file a Notice of Determination with the California Environmental Quality Act State Clearing House stating the Commission considered the environmental documents related to the proposed rail crossings.

This order is effective today.

Dated _____, 2019, at Oxnard, California

Appendix A**SUMMARY OF FILING REQUIREMENTS****Compliance with the Commission's Rules of Practice and Procedure:**

1. Rule 3.11 is the applicable Rule of Practice and Procedure for applications to construct crossings of a light-rail transit system. Rule 3.11 requires applicants to comply with the appropriate requirements of Rules 3.7 through 3.10. The appropriate requirements for this application are found in Rule 3.7, which the applicant has complied with, as set forth below.
2. Rules of Practice and Procedure, Rule 3.7:
 - a. Milepost and Legal Location: The milepost and geographic coordinate information (longitude & latitude) for the crossings is included in Exhibit A of the application.
 - b. The Los Angeles World Airports – Automated People Mover (APM) project is a new project located in an area without nearby existing public crossings. Exhibit B shows the locations of all crossings of the proposed APM project as they relate to nearby streets and roadways sufficient for SED to understand where the proposed crossings will exist.
 - c. The application includes an explanation that sufficiently demonstrates the public need to be served by construction of the seven crossings at page 9, a statement sufficiently showing the proposal to construct two grade separated tracks at page 4, and a statement showing the bridge structures which applicant proposes to construct at the grade-separated crossing locations at pages 6 through 9 and Exhibit B of the Application.
 - d. A map in compliance with Rule 3.7(d) is included as Exhibit B of the Application.
 - e. A map in compliance with Rule 3.7(e) is included as Exhibit B of the Application.
 - f. A profile in compliance with Rule 3.7(f) is included in Exhibit B of the Application.
 - g. List of Longitudes and Latitudes – Bold are New Crossings authorized in this decision.

Milepost No.	Public / Private	Crossing Location	Latitude	Longitude	Commission Crossing Number
1	Private	Starting Point at CTA West	33.9439	-118.4077	-
2	Private	On ramp to Century Blvd from Sepulveda	33.9439	-118.3971	140-0.65-BX
3	Private	Start of on ramp to Century Blvd from Sepulveda	33.9439	-118.3964	140-0.69-BX
4	Public	NEW - Sepulveda Blvd	33.9440	-118.3962	140-0.70-B
5	Private	Century Blvd on ramp to Sepulveda Blvd	33.9440	-118.3960	140-0.71-BX
6	Private	World Way on ramp to Century Blvd	33.9443	-118.3949	140-0.78-BX
7	Private	Sepulveda Blvd on ramp to World Way	33.9444	-118.3947	140-0.79-BX
8	Public	NEW - Century Blvd	33.9455	-118.3918	140-0.98-B
9	Public	NEW - W. 98th St	33.9474	-118.3916	140-1.11-B
10	Public	NEW - W. 96th St	33.9488	-118.3915	140-1.21-B
11	Private	IFT West Station Exit road	33.9494	-118.3908	140-1.27-BX
12	Private	IFT West Station parking area road	33.9495	-118.3876	140-1.45-BX
13	Private	IFT West Station Entrance road	33.9495	-118.3871	140-1.48-BX
14	Public	NEW - Airport Blvd	33.9495	-118.3859	140-1.55-B
15	Private	Parallel to W. 96th St near new MSF Building	33.9495	-118.3846	140-1.63-BX
16	Private	New D St	33.9495	-118.3836	140-1.69-BX
17	Private	Parallel to W. 96th St near Avis Rental	33.9495	-118.3813	140-1.82-BX
18	Public	NEW - Future Metro Station	33.9496	-118.3787	140-1.97-BT
19	Public	NEW - Aviation Blvd at ITF East Station	33.9497	-118.3778	140-2.02-B

Applicable Safety and Regulatory Requirements:

1. General Order 26-D:
 - a. Vertical clearance requirement for roads, highways, and streets crossing under or over railroads and street railroads. (GO 26-D § 12.1): requirement is met as overhead clearances are a minimum of 15 feet from the surface of such road, highway or street.
 - b. Horizontal clearance requirement for roads, highways, and streets crossing under or over railroads and street railroads. (GO 26-D § 12.2): requirement is met as road, highway or street openings are a minimum of 24 feet in width beneath single span bridge structures.
2. General Order 143-B:
 - a. Applicant has submitted an application in compliance with Section 9.08.
3. General Order 164-D:
 - a. Applicant consulted with SED Staff prior to initiating preliminary engineering in compliance with Section 10.2.

(END OF APPENDIX A)